

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
ORIGINAL

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8/7/01
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ROHAN R. PERSAUD
A38-746-586
PETITIONER,

v.

JOHN D. ASHCROFT, EL, AR
RESPONDENTS.

FILED
HARRISBURG

CIVIL No. 1-CV-01-1255

AUG 06 2001 (JUDGE S. RAMBO)

MARY E. D'ANDREA, CLERK

Per MS
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME AND
RECONSIDERATION OF REQUEST OF ALIEN'S FILE
BY SUBPOENA DUCES TECUM OF DISCOVERY.

AND COMES NOW, ROHAN R. PERSAUD, PRO SE, HEREINAFTER REFERRED TO AS "PETITIONER" MOVES THIS HONORABLE COURT DE NOVO FOR RECONSIDERATION OF PETITIONER'S PREVIOUSLY FILED MOTION FOR REQUEST OF ALIEN'S FILE BY SUBPOENA DUCES TECUM OF DISCOVERY AND ASKING THIS COURT FOR 15 DAY EXTENSION OF TIME FROM THE DATE WITHIN WHICH RESPONDENTS IS TO COMPLY WITH THE ORDER OF THIS COURT DIRECTING THEM TO PROVIDE FOR

IN SUPPORT, PETITIONER STATES AS FOLLOW.

- (1) IN THE ORDER DATED JULY 27TH, 2001, THE COURT DENIED PETITIONER'S MOTION OF DISCOVERY AS PREMATURE PURSUANT TO RULE 26 SINCE RESPONDENTS HAS NOT YET FILE A RESPONSE.
- (2) ON THIS FIRST (1ST) DAY OF AUGUST, 2001, PETITIONER HOWEVER RECEIVED THE RESPONDENTS OPPOSITION TO THE WRIT THAT CONTAIN NOT ONLY FALSE STATEMENTS AND FACTS, BUT ALSO

MISSTATING ALLEGATIONS WHICH IN THIS INSTANCE THE DISCOVERY WILL BE SO MUCH RELEVANT TO SUPPORT PETITIONER'S CLAIMS, SO JUSTICE CAN BE ADDRESS.

(3) - PETITIONER ALSO AVER THAT NON ONLY DISCOVERY OF EVIDENCES H INTENDED TO SHOW THIS COURT UNDER RULE 26 ARE BEING WITHHE BUT ALSO THE BRADY DOCTRINE PERMIT PETITIONER TO A RIGHT O THOSE EVIDENCES IN POSSESSION OF RESPONDENTS AND AGENTS WHICH PETITIONER IS TO BE ALLOW TO MAKE EFFECTIVE USE. SEE BRADY V. US (1970).

(4) - PETITIONER NEED ALSO FIFTEEN (15) DAYS FROM THE DATE PETIT RECEIVED THOSE DOCUMENTS BEFORE REBUTTING TO THE OPPOS IN ORDER TO MAKE COPIES AND ADEQUATELY REPLY, SO CLARIFIC be it AND FOR JUSTICE.

THEREFORE, PETITIONER PRAYS THIS HONORABLE COURT DENE CONSIDERATION OF PETITIONER'S PREVIOUSLY FILED MOTION FOR "REQUEST OF ALIEN'S FILE by SUBPOENA DUCES TECUM AND GRANT THE EXTENSIO OF TIME FROM THE LAST DATE OF TIME WITHIN WHICH THE COURT ORDER RESPONDENTS TO PROVIDE THE DISCOVERY BY GRANTING THIS INSTANT MOTION.

RESPECTFULLY SUBMITTED

EXECUTED - 08-01-2001

Rohan R. Persaud
ROHAN R. PERSAUD, PRO SE
A38-746-586
TOWEL 3, ECHO K-24
1371 N. WASHINGTON AVE
SCRANTON, PA 18509

CERTIFICATE OF SERVICE

I, ROHAN R. PERSAUD, PETITIONER, PRO SE, HEREBY CERTIFY THAT ON THIS 01ST DAY OF AUGUST, 2001, I CAUSED TO SERVED THE RESPONDENT A COPY OF THIS MOTION FOR EXTENSION OF TIME AND RECONSIDERATION OF REQUEST OF ALIEN'S FILE BY SUBPOENA DUCES TECUM OF DISCOVERY BY MAIL SERVICE ADDRESSED AS SET FORTH BELOW

MR. LORNAAN . GRAHAM
ASSISTANT U.S ATTORNEY
P. O BOX 309
FEDERAL BLDG
WASHINGTON AVE, and LINDEN ST
SCRANTON, PA 18501

RESPECTFULLY SUBMITTED.

EXECUTED DATE. 8-01-2001

Rohan R. Persaud.